

**REMARKS**

The following remarks are made in response to the Office Action mailed January 28, 2008 and the telephonic Examiner Interview conducted on April 22, 2008. Claims 9-22 have been withdrawn from consideration. Claims 23-34 and 58-63 were rejected. With this Amendment and Response, claims 23, 26, 29, 30, 32, 58, 59 and 60 have been amended. Claims 23-34 and 58-63 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 23-25, 58 and 63 under 35 U.S.C. § 103(a) as being unpatentable over the Schloeman et al. U.S. Patent No. 6,659,581 in view of the Wade et al. U.S. Patent No. 6,290,333.

The Examiner rejected claims 26, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over the Schloeman, et al. patent and the Wade et al. patent and further in view of the Kanematsu et al. U.S. Patent Publication No. 2002/0113832.

The Examiner rejected claims 27-34 and 61-62 under 35 U.S.C. § 103(a) as being unpatentable over the Schloeman et al. patent and the Wade et al. patent and further in view of the Bloomberg U.S. Patent Publication No. 2002/0097287.

In the above summarized telephonic Examiner Interview conducted on April 22, 2008, agreement was reached that the above amendments to independent claims 23 and 58 overcome the cited references, including the Schloeman et al. patent.

In view of the above, Applicant submits that all features of amended independent claim 23 and all features of amended independent claim 58 are not taught or suggested by the Schloeman et al. patent or the Wade et al. patent, alone or in combination.

Dependent claims 26, 29, 30, 32, 59 and 60 were amended for antecedent basis. As dependent claims 24-34 further define patentably distinct amended independent claim 23 and dependent claims 59-63 further define patentably distinct amended independent claim 58, these dependent claims are also believed to be allowable over the art of record. Therefore, Applicant respectfully requests that the above rejections under 35 U.S.C. § 103 be withdrawn and claims 23-34 and 58-63 be allowed.

**Amendment and Response**

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Title: FLUID EJECTION DEVICE

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 23-34 and 58-63 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 23-34 and 58-63 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Don Coulman at Telephone No. (541) 715-1694, Facsimile No. (541) 715-8581. In addition, all correspondence should continue to be directed to the following address:

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